

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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IN RE: TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

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) **Civil Action No. 03 MDL 1570 (GBD)(FM)**  
)  
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*This document relates to: All Actions*

**AFFIDAVIT OF JAMES E. GAUCH**

1. I am a partner in the law firm of Jones Day, counsel for Defendant Saudi Binladin Group (“SBG”). I respectfully submit this Affidavit in support of SBG’s renewed motion to dismiss this action. This Affidavit is based upon personal knowledge of the facts set forth herein and information derived from a review of the exhibits hereto.

2. Attached as Exhibit 1 is a true and correct copy of a letter from me to Robert T. Haefele dated July 9, 2009.

3. Attached as Exhibit 2 are copies of articles appearing in the Saudi Arabian newspapers *Okaz* and *Um al-Qura* on April 7, 1994 and April 29, 1994, respectively, along with certified translations. They were previously produced by SBG at SBG0002580-81 and T0000100-101.

4. Attached as Exhibit 3 is a copy of excerpts from the trial testimony of Jamal Ahmed Al-Fadl held on February 6-7, 2001 in *United States v. Usama Bin Laden, et al.*, No. S(7) 98 Cr. 1023 (S.D.N.Y.).

5. Attached as Exhibit 4 is a copy of the Declaration of Jamal Ahmad Mostafa Khalifa previously submitted in this litigation as Exhibit A to Jamal Khalifa's Motion to Dismiss (Apr. 10, 2004) (MDL Dkt. #105).

6. Attached as Exhibit 5 is a copy of excerpts of a translation of Jordan Court of Cassation Case No. 412/95, Decision No. 60 (Nov. 27, 1995).

7. Attached as Exhibit 6 are excerpts from Global Diamond Resources, Inc.'s Annual Reports (Form 10-KSB) dated March 31, 1998, November 22, 1999, and April 10, 2001.

8. Attached as Exhibit 7 is a copy of a letter from Alfonso Valdivieso to Kendall Freeman dated March 12, 2004, obtained from the Khalid Bin Mahfouz website at [http://www.binmahfouz.info/pdf/faqs\\_5\\_jsb\\_12march.pdf](http://www.binmahfouz.info/pdf/faqs_5_jsb_12march.pdf).

9. Attached as Exhibit 8 is a copy of excerpts from the deposition testimony of Philip Griffin taken in this litigation on November 15, 2007.

10. Attached as Exhibit 9 is a copy of excerpts from the deposition testimony of Dr. Fuad Rihani taken in this litigation on April 22, 2008.

11. Attached as Exhibit 10 is a copy of the International Road Federation ("IRF") Introduction and Mission Statements obtained from the IRF website at [www.irfnet.org](http://www.irfnet.org).

12. Attached as Exhibit 11 is a copy of the U.S.-Saudi Arabian Business Council Mission Statement obtained from that organization's website at [www.us-sabc.org](http://www.us-sabc.org).

13. Attached as Exhibit 12 is a copy of an excerpt of a letter from Robert T. Haefele to Michael P. Gurdak dated March 9, 2006.

14. Attached as Exhibit 13 is a copy of the endorsed letter addressed to Magistrate Judge Frank Maas from Robert T. Haefele (July 26, 2007) (MDL Dkt. #1988).

15. Attached as Exhibit 14 is a copy of excerpts from Iridium LLC's Registration Statement (Form S-4) dated July 21, 1997 and Amended Registration Statement (Form S-4/A) dated August 18, 1997.

16. Attached as Exhibit 15 is a copy of excerpts from Plaintiffs' Responses and Objections to Defendant Saudi Binladin Group's Revised First Set of Jurisdictional Interrogatories to Plaintiffs, dated November 7, 2008.

17. Attached as Exhibit 16 is a copy of the list of persons designated as terrorists by the Office of Foreign Assets Control on October 12, 2001, obtained from that agency's website at <http://www.ustreas.gov/offices/enforcement/ofac/actions/20011012.shtml>.

18. Attached as Exhibit 17 is a copy of documents submitted by Yassin Abdullah Kadi in *Kadi v. Geithner*, No. 1:09-cv-00108-JDB (D.D.C. filed Jan. 16, 2009).

19. Attached as Exhibit 18 are excerpts from transcripts of hearings held in *In re: Terrorist Attacks on September 11, 2001* on October 12, 2004 and June 29, 2007.

20. Attached as Exhibit 19 is a copy of the August 20, 1998 Executive Order designating Osama Bin Laden as a terrorist.

21. Attached as Exhibit 20 is an excerpt from the Federal Register dated October 8, 1993 listing Sudan as a state sponsor of terrorism.


22. Also attached are copies of documents the Plaintiffs have previously produced to SBG (bates numbers in parentheses):

- Exhibit 21: a transcript of a March 1997 CNN interview with Osama Bin Laden ("OBL") (MR-SBG001548-54).
- Exhibit 22: a letter from Mary Ellen Warlow, Director of the Office of International Affairs, Criminal Division, U.S. Department of Justice, to

Giorgio Bomio, Division of International Legal Assistance, Federal Office of Justice, Switzerland, dated September 20, 2001 (MR-SBG002584-94).

- Exhibit 23: an article in the French newspaper *Le Monde* dated December 26, 2004 entitled "French Judge Broadens Investigation Into Transfers of Bin Ladin Family Funds" (MR-SBG001339-40).
- Exhibit 24: copies of advertisements dated between 1989 and 1994 (MR-SBG001775-76 and MR-SBG007846-47).

District of Columbia: ss

  
James E. Gauch

Sworn to me this 11<sup>th</sup> day of August 2010

  
Notary Public

My Commission Expires 10/31/2011

GLENDAL. DICKONSON  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires October 31, 2011